

ARTHUR M. EIDELHOCH, Bar No. 168096  
aeidelhoch@littler.com  
GALEN M. LICHTENSTEIN, Bar No. 251274  
glichtenstein@littler.com  
LITTLER MENDELSON, P.C.  
650 California Street, 20<sup>th</sup> Floor  
San Francisco, California 94108.2693  
Telephone: 415.433.1940  
Facsimile: 415.399.8490

JACQUELINE E. KALK (*Pro Hac Vice*)  
jkalk@littler.com  
LITTLER MENDELSON, P.C.  
80 South 8<sup>th</sup> Street, Suite 1300  
Minneapolis, MN 55402.2136  
Telephone: 612-313-7645  
Facsimile: 612.677.3139

KELLY D. REESE (*Pro Hac Vice*)  
kreese@littler.com  
R. BRADLEY ADAMS (*Pro Hac Vice*)  
radams@littler.com  
LITTLER MENDELSON, P.C.  
63 South Royal Street, Suite 901  
Mobile, AL 36602.3218  
Telephone: 251-432-2477  
Facsimile: 251-432-0427

Attorneys for Defendants  
CROWDFLOWER, INC., LUKAS BIEWALD  
AND CHRIS VAN PELT

William T. Payne (SBN 90988)  
Ellen M. Doyle (*Pro Hac Vice*)  
Edward J. Feinstein (*Pro Hac Vice*)  
STEMBER FEINSTEIN DOYLE PAYNE  
& KRAVEC, LLC  
429 Forbes Avenue, 17th Floor  
Pittsburgh, PA 15219  
412-281-8400 (T), 412-281-1007 (F)  
wpayne@stemberfeinstein.com  
edoyle@stemberfeinstein.com  
efeinstein@stemberfeinstein.com

Mark A. Potashnick (*Pro Hac Vice*)  
WEINHAUS & POTASHNICK  
11500 Olive Blvd., Suite 133  
St. Louis, MO 63141  
314-997-9150 (T), 314-997-9170 (F)  
markp@wp-attorney.com

Ira Spiro (SBN 67641)  
Jennifer Connor (SBN 241480)  
Justin F. Marquez (SBN 262417)  
SPIRO MOORE, LLP  
11377 W. Olympic Blvd., 5th Floor  
Los Angeles, CA 89064  
310-235-2468 (T), 310-235-2456 (F)  
ira@spiromore.com  
Jennifer@spiromore.com  
Justin@spiromore.com

Attorneys for Plaintiffs  
CHRISTOPHER OTEY, MARY GRETH  
& THE CONDITONALLY CERTIFIED  
FLSA COLLECTIVE ACTION CLASS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHRISTOPHER OTEY, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

CROWDFLOWER, INC., LUKAS  
BIEWALD and CHRIS VAN PELT,

Defendant.

Case No. 3:12-cv-05524-JST/mej

**STIPULATION RE: CONTINUANCE OF  
LITIGATION ACTIVITIES, INCLUDING  
NOTICE OF CONDITIONAL  
CERTIFICATION OF COLLECTIVE  
ACTION, PENDING ANTICIPATED  
SETTLEMENT AND MOTION FOR  
COURT APPROVAL OF SAME**

**[PROPOSED] ORDER**

STIPULATION RE CONTINUANCE OF  
LITIGATION ACTIVITIES

Case No. 3:12-cv-05524-JST

1. The original Complaint in this action was filed on October 26, 2012 against Defendants CrowdFlower, Inc., Lukas Biewald and Chris Van Pelt.

2. No case management conference has yet occurred and the Court has not yet issued any scheduling order.

3. The initial case management conference is scheduled for 2:00 p.m. on December 11, 2013.

4. The parties participated in mediation on October 18-19, 2013. In anticipation of mediation, the parties sought and the Court granted a stay, pending mediation, up to and including October 31, 2013. (Doc. No. 177).

5. Based on the mediation and subsequent settlement discussions, counsel for the parties believe that finalizing a settlement of this action is likely. However, given the complex nature of this putative collective and class action, additional time is needed by the parties to try to finalize all of the terms of a settlement agreement. The parties desire to focus their efforts on reaching a final settlement rather than devoting time, effort and expense to engaging in litigation activities.

6. The parties therefore seek a continuance of all litigation activities, including all activities associated with discovery and providing notice of conditional certification of a collective action (e.g., posting and servicing notice), for an additional thirty days, up through and including November 30, 2013. The parties further seek an automatic extension of the continuance, in the event

1 that the parties finalize a proposed settlement and file a motion for Court approval of same prior to  
 2 November 30, 2013, until such time as the Court rules on that motion.

3 7. The continuance sought will help facilitate settlement.

4 8. If settlement is not achieved, the continuance sought will not materially delay or alter  
 5 the progress of this litigation.

6 WHEREFORE, the parties mutually request that the Court enter the proposed Order below,  
 7 thereby continuing the deadlines for all litigation activities, including responding to pending  
 8 discovery requests and serving/posting notice of conditional certification of collective action, up to  
 9 and including November 30, 2013 or, if a motion for Court approval of settlement is filed prior to  
 10 that time, until such time as the Court rules on said motion.

11  
 12 Dated: October 22, 2013

Respectfully submitted,

13 LITTLER MENDELSON, P.C.

14  
 15 By: /s/ R. Bradley Adams

R. BRADLEY ADAMS (*pro hac vice*)  
 ARTHUR M. EIDELHOCH  
 GALEN M. LICHTENSTEIN  
 JACQUELINE E. KALK (*pro hac vice*)  
 KELLY D. REESE (*pro hac vice*)  
 Attorneys for Defendants  
 CROWDFLOWER, INC., LUKAS  
 BIEWALD AND CHRIS VAN PELT

16  
 17  
 18  
 19  
 20  
 21 Dated: October 22, 2013

WEINHAUS & POTASHNICK

22 By: /s/ Mark Potashnick

23 MARK POTASHNICK  
 Attorneys for Plaintiffs  
 24 CHRISTOPHER OTEY, MARY GRETH  
 and the conditionally certified FLSA  
 25 collection action class  
 26  
 27  
 28

**PROPOSED ORDER**

Good cause appearing therefore, the foregoing Stipulation Re: Continuance of Litigation Activates Pending Anticipated Settlement and Motion for Court Approval of Same ("Stipulation") is hereby approved and it is hereby ORDERED that:

All litigation activities, including responses to pending discovery requests and service/posting of notice of conditional certification of collective action, are continued up to and including November 30, 2013. It is further order that in the event that the parties reach a final settlement and file a motion for Court approval of same on or before November 30, 2013, this continuance shall be automatically extended until such time as the Court rules on the motion.

PURSUANT TO STIPUATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JON. S. TIGAR  
UNITED STATES DISTRICT COURT JUDGE

Firmwide:123758057.1 073860.1001